

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Corey Jawan Robinson,

Plaintiff,

v.

A/W Kenneth Sharp;

Classification McKensey;

Lt. R. Sowell;

U/M Clarence Rogers;

D.H.O.A. Brown;

D.H.O.S. Patterson

Lt. K. Gregg;

Unit Manager McCullough;

Priscilla D. Muldrow;

Unit Counsel Foster;

Unit Counsel McCall;

Willie M. Godfrey, and

Classification Department,

Defendants.

Civil Action No.: 5:17-cv-01011-JMC

ORDER

Plaintiff Corey Jawan Robinson, proceeding *pro se*, filed this action under 42 U.S.C. § 1983. (ECF No. 1.) This matter is before the court on Plaintiff's Complaint, which alleges that Defendants all failed to protect him from attack from fellow inmates despite his having requested protective custody and having gone on crisis intervention to avoid being placed in the general population due to threats. (*Id.*) The Magistrate Judge's Report and Recommendation recommends that the court partially dismiss, without prejudice, Plaintiff's Complaint as to his claims regarding 14th Amendment retaliation, 14th Amendment disciplinary action, attempted murder, 14th Amendment job loss, and all claims against the Classification Department. (ECF No. 27); *see also* 28 U.S.C. § 1915A (stating that as soon as possible after docketing, district courts should review prisoner cases to determine whether they are subject to summary dismissal). The Report and

Recommendation, filed on July 27, 2017, sets forth the relevant facts, which this court incorporates herein without a recitation. (ECF No. 27.)

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 27 at 10.) However, neither party filed an objection to the Report and Recommendation within the prescribed time limits.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S.

140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 27) and incorporates it herein. Therefore, the court partially **DISMISSES**, without prejudice, Plaintiff's Complaint as to his claims regarding 14th Amendment retaliation, 14th Amendment disciplinary action, attempted murder, 14th Amendment job loss, and all claims against the Classification Department (ECF No. 1).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

February 7, 2018
Columbia, South Carolina